

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EMMANUAL K. THORNTON,

Plaintiff,

vs.

Civ. No. 02-330 WWD/DJS

AMERICAN ONLINE, INC.,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant America Online, Inc.'s Motion to Dismiss [docket no. 8] filed May 16, 2002. No response to the motion has been filed by the pro se Plaintiff. Defendant seeks to eliminate the possibility of any claims being made outside the single count for retaliation under Title VII contained in Plaintiff's complaint. While I can understand why Defendant would attempt to tailor the pro se Plaintiff's complaint as narrowly as possible, I am reluctant to do so, considering all the circumstances, on a motion to dismiss.

WHEREFORE,

IT IS ORDERED that Defendant America Online, Inc.'s Motion to Dismiss be, and it is hereby, **DENIED**.


UNITED STATES MAGISTRATE JUDGE